

**INFORMATION FILED:** On or about July 30, 1947, Northern District of Ohio, against the Telling-Belle Vernon Co., a corporation, and the Producers Service Corp.

**NATURE OF CHARGE:** The defendants willfully and wrongfully disobeyed the provisions of the decree of condemnation entered in the case of the United States v. 1,322 cans of black raspberry puree, reported in notices of judgment on foods, No. 10156, in that (1) the Telling-Belle Vernon Co. disposed of the product by selling and delivering it on or about November 29, 1946, at Cleveland, Ohio, to the Producers Service Corp. for shipment to Benton Harbor, Mich., without the approval of the Food and Drug Administration; and, (2) in that the Producers Service Corp. took possession of the product at Cleveland, Ohio, on or about November 29, 1946, and shipped it to Benton Harbor, Mich., and in December 1946, converted it into fruit juice for use in manufacture of jelly and offered the juice for sale for such purposes.

**DISPOSITION:** October 28, 1947. Pleas of nolo contendere having been entered, the court fined each defendant \$500. In addition, a supplemental order was entered, providing that the above-mentioned juice be fermented and distilled within 120 days, under the supervision, and subject to the approval, of the Food and Drug Administration, so that it could be brought into compliance with the law. It was ordered further that unless the juice was so fermented and distilled, it was to be destroyed.

**12549. Adulteration of strawberry puree. U. S. v. 9 Cans \* \* \*. (F. D. C. No. 21715. Sample No. 39212-H.)**

**LIBEL FILED:** November 15, 1946, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about October 1, 1946, by the Sunshine Packing Corporation of Pennsylvania, from North East, Pa.

**PRODUCT:** 9 5-gallon cans of strawberry puree at Ishpeming, Mich.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (It contained decomposed strawberry material.)

**DISPOSITION:** December 20, 1946. Default decree of condemnation and destruction.

**12550. Adulteration and misbranding of apricot-cranberry mix. U. S. v. 181 Cases \* \* \*. (F. D. C. No. 23100. Sample No. 91245-H.)**

**LIBEL FILED:** May 5, 1947, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about March 17, 1947, by Cranberry Cannery, Inc., from Hanson, Mass.

**PRODUCT:** 181 cases, each containing 24 15-ounce jars, of apricot-cranberry mix at Brooklyn, N. Y. The product was packed in transparent glass jars and had the general appearance of jam.

**LABEL, IN PART:** "Ocean Spray Apricot-Cranberry Mix Contains: Sugar, Apricots, Cranberries, Water and Added Acid and Color."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance consisting essentially of apricots, cranberries, and sugar, having a soluble solids content of less than 65 percent, and containing artificial color and sulfur dioxide, had been substituted for apricot-cranberry jam.

Misbranding, Section 403 (g) (1), the article purported to be apricot-cranberry jam, a food for which a definition and standard of identity has been promulgated, and it failed to conform to such definition and standard, since the soluble solids content of the article was less than 65 percent and since it contained artificial color and sulfur dioxide, which are not permitted as ingredients of apricot-cranberry jam in the definition and standard.

**DISPOSITION:** July 2, 1947. H. C. Bohack & Co., Inc., Brooklyn, N. Y., having appeared as claimant, but having failed to file an answer to the libel, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**12551. Adulteration and misbranding of apricot-cranberry mix. U. S. v. 782 Cases \* \* \*. (F. D. C. No. 23131. Sample No. 53879-H.)**

**LIBEL FILED:** May 22, 1947, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about February 28, 1947, by the National Cranberry Assoc., from Onset, Mass.

**PRODUCT:** 782 cases, each containing 24 15-ounce jars, of apricot-cranberry mix at Cincinnati, Ohio. The product was packed in transparent glass jars and had the general appearance of jam.

**LABEL, IN PART:** "Ocean Spray Apricot-Cranberry Mix."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, cranberries, had been in whole or in part omitted; Section 402 (b) (2), a product consisting essentially of apricots, cranberries, cranberry pomace, and sugar, containing artificial color, and having a soluble solids content of less than 65 percent, had been substituted for apricot-cranberry jam; and, Section 402 (b) (4), cranberry pomace had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for apricot-cranberry jam. The soluble solids content was less than 65 percent; it was made from a mixture composed of less than 45 parts by weight of the apricot-cranberry ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the standard; it contained cranberry pomace and artificial color, which are not permitted optional ingredients of apricot-cranberry jam; and the cranberry content was less than one-fifth by weight of the apricot-cranberry ingredient.

**DISPOSITION:** July 9, 1947. No claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to charitable and public institutions.

**12552. Adulteration and misbranding of apricot-cranberry mix and raspberry-cranberry mix. U. S. v. 43 Cases \* \* \*. (F. D. C. No. 23646. Sample Nos. 87684-H, 87685-H.)**

**LABEL FILED:** August 18, 1947, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about March 19, 1947, by the National Cranberry Assoc., from Onset, Mass.

**PRODUCT:** 43 cases of apricot-cranberry mix and 36 cases of raspberry-cranberry mix at Long Island City, N. Y. Each case contained 24 15-ounce jars.

**LABEL, IN PART:** (Jars) "Ocean Spray \* \* \* Apricot-Cranberry Mix [or "Raspberry-Cranberry Mix"] Contains Sugar, Raspberries [or "Apricots"] Cranberries, Water and Added Acid and Color."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), substances consisting essentially of apricots, cranberries, and sugar, or raspberries, cranberries, and sugar, having a soluble solids content of less than 65 percent, in the former, and 68 percent, in the latter, and containing artificial color, had been substituted for apricot-cranberry jam and raspberry-cranberry jam, respectively.

Misbranding, Section 403 (g) (1), the articles purported to be apricot-cranberry jam and raspberry-cranberry jam, foods for which definitions and standards of identity have been prescribed by the regulations, and they failed to conform to such definitions and standards, since the soluble solids content was less than 65 percent and 68 percent, respectively, the minimum permitted for such jams; and the articles contained artificial color, which is not permitted as an ingredient of apricot-cranberry jam and raspberry-cranberry jam.

**DISPOSITION:** October 24, 1947. Default decree of condemnation. The product was ordered delivered to charitable institutions.

**12553. Adulteration and misbranding of peach fountain fruit. U. S. v. 185 Cases \* \* \*. (F. D. C. No. 21910. Sample No. 1957-H.)**

**LABEL FILED:** December 9, 1946; amended February 12, 1947, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about September 1, 1946, by the Mary Ann Preserving Co., from Chattanooga, Tenn.

**PRODUCT:** 185 cases, each containing 25 14-ounce jars, of peach fountain fruit at Greenville, S. C.

**LABEL, IN PART:** "Mary-Ann Peach Fountain Fruit."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance consisting primarily of a mixture of peaches and sugar in the ratio of approximately